

University of Michigan Journal of Law Reform

Volume 37

2004

Front Matter

Journal of Law Reform

Follow this and additional works at: <https://repository.law.umich.edu/mjlr>

Recommended Citation

Journal of Law Reform, *Front Matter*, 37 U. MICH. J. L. REFORM i (2004).

Available at: <https://repository.law.umich.edu/mjlr/vol37/iss2/1>

This Front Matter is brought to you for free and open access by the University of Michigan Journal of Law Reform at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in University of Michigan Journal of Law Reform by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 37 • ISSUE 2

WINTER 2004

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN



Cite as: 37 U. MICH. J.L. REFORM ____ (2004)

Copyright © 2004 by the *University of Michigan Journal of Law Reform*. All rights reserved. Except where otherwise expressly indicated, copies of scholarship printed in the *University of Michigan Journal of Law Reform* may be made for course use in any public or private institution of learning provided that (1) copies are distributed at or below cost, (2) the author and the *University of Michigan Journal of Law Reform* are identified on the copies, and (3) proper notice of copyright is affixed to each copy.

The *University of Michigan Journal of Law Reform* is published quarterly by students of the University of Michigan Law School. Fourth-class postage paid at Ann Arbor, Michigan 48109. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

University of Michigan Journal of Law Reform
University of Michigan Law School
625 S. State Street
Ann Arbor, MI 48109-1215
Telephone: (734) 763-6100
<http://students.law.umich.edu/mjlr/>

PUBLICATION POLICY

The *Journal* seeks to improve the law and its administration by providing a forum for discussion that identifies contemporary issues for reform efforts, proposes concrete means to accomplish change, and evaluates the impact of law reform. As contributions to this discussion, the *Journal* also welcomes multidisciplinary and empirical work.

We encourage the submission of unsolicited manuscripts for publication. Each manuscript should be typed, double-spaced and sent to the Editor in Chief at the above address or e-mailed to jl原因-submissions@umich.edu. Articles should generally conform to *A Uniform System of Citation* (17th ed. 2000) and *The Chicago Manual of Style* (15th ed. 2003). We regret that we cannot return submitted articles unless they are accompanied by a self-addressed postage-paid envelope.

Views expressed in the *Journal* are those of the authors and not necessarily those of the editorial staff.

SUBSCRIPTIONS

The current subscription rate is \$35.00 domestic and \$40.00 foreign. All subscription inquiries should be made, by mail or phone as stated above, to the Business Manager. Subscribers should report the nonreceipt of copies within six months of the mailing date.

INDIVIDUAL AND BACK ISSUES

Copies of individual issues from the current volume can be obtained directly from the *Journal* for \$15.00 each.

Back issues in complete sets, volumes, or single issues can be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209—Telephone (716) 882-2600. The *Journal* is also available on microfilm through University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106—Telephone (734) 761-4700.

INDEXES

The *Journal* is indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

Editorial Board

Volume 37 • 2003–2004

Editor in Chief
NATHAN J. KAVLIE

Managing Editor
SHAMIR PATEL

Managing Article Editor
GARY Y. CHYI

Executive Note Editor
REBECCA E. DAY

Article Editors
LYNN L. BERNDT
SARAH E. DOERR
LONDON Y. JONES
JEREMY R. SCHULZE

Executive Editors
LARA A. LENITON
LANCE D. RICH
JEFFREY S. TERRACIANO
DAVID J. WARD
EBONY-DAWN WILKERSON

Note Editors
EDUARDO AVILES
MICHAEL G. CECCHINI
ELIZABETH L. FINE
DEBORAH A. GOLDFARB
HARPREET K. KHERA
NICOLE L. PROULX
AMANDA R. WHITMAN

Special Projects Editor
MARA B. SIERCHIO

SARAH A. BINDER
SHARON A. CERESNIE
JOSHUA D. DICK
JOHN G. FEDYNSKY
MATTHEW T. FERRIS
GERARD FILITTI
LISA R. GREENBAUM

Contributing Editors
ABBIE T. HARRIS
TIANLONG HU
ERIK C. JONES
CAROLYN V. JUAREZ
IAN T. KELLY
ALEEN LEE
FRANKLIN H. NA

MAREN R. NORTON
MATTHEW K. ROTHMAN
BEVERLY J. RYSKAMP
MELISSA L. SCHWAB
JARED S. STEIN
ALEXANDER J. VANDERWEIDE
NICOLE L. WIEBER

JUSTIN A. AMASH
UMBREEN S. BHATTI
DAVID S. BIRNBAUM
M. RYAN CALO
ANDREW D. CATTELL
DAVID R. CHO
TASHEIKA HINSON COLEMAN
DEBRA R. COLETTI
SEMMA G. CUELLAR
AARON S. CUTLER
DANIEL B. DAVIS
ANDREA J. DELGADILLO
ERIN L. DICKINSON
PATRICK B. EGAN
WHITNEY A. FELLBERG
ADAM D. GRANT

Associate Editors
KYLE W. HARDING
KELLY I. HARROLD
STEPHEN J. HIGGS
ELIZABETH R. HUSA
KRISTEN M. JACOBY
EDWIN J. KILPELA
ILANA M. LAHAV
ERIC LAUFGRABEN
BEAU L. LEFLER
ANDREW J. LIEVENSE
JESSICA E. MARGOLIN
BRIAN P. MCCLATCHEY
ELISABETH J. NEUBAUER
WILLIAM A. NOVOMISLE
BRIAN D. O'NEILL

WILLIAM R. PEARSON
ERIKA PENNILL
MARK T. POLLITT
COURTNEY M. QUISH
AMY N. RADON
PATRICK J. ROSENTHAL
DAVID B. SCHER
THERESA M. SEXTON
EMANUEL SHACHMUROVE
STANLEY S. SHEPARD
TRAVIS A. SKELTON
JEAN SOH
WESLEY E. STOCKARD
ROBYN M. TESSIN
ELIZABETH Y. WEI
STEPHANIE D. ZAMECK

Business Manager
MAUREEN A. BISHOP

Editorial Assistants
CATHERINE T. LEGGIERI
MATTHEW S. REDDING

Office Assistant
LAURIE E. BRANNAN

UNIVERSITY OF MICHIGAN LAW SCHOOL

Winter 2004

Administrative Officers

MARY SUE COLEMAN, B.A., Ph.D., *President of the University*
PAUL N. COURANT, B.A., M.A., Ph.D., *Provost and Executive Vice President for Academic Affairs*
EVAN H. CAMINKER, B.A., J.D., *Dean*
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.D., *Associate Dean for Academic Affairs*
BRIDGET M. MCCORMACK, B.A., J.D., *Associate Dean for Clinical Affairs*
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Programs*
DAVID H. BAUM, B.A., J.D., *Assistant Dean of Students*
CHARLOTTE H. JOHNSON, B.A., J.D., *Assistant Dean of Students*
KATHERINE B. GOTTSCHALK, B.A., *Assistant Dean for Financial Aid*
SUSAN M. GUINDI, B.A., J.D., *Assistant Dean for Career Services*
GEORGE L. FOLLANSBEE, JR., A.B., J.D., *Assistant Dean for Development and Alumni Relations*
SARAH C. ZEARFOSS, A.B., J.D., *Assistant Dean and Director of Admissions*
ROBERT E. PRECHT, B.A., J.D., *Assistant Dean of Public Service*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,
Edson R. Sunderland Professor of Law
OLIN L. BROWDER, A.B., LL.B., S.J.D.,
James V. Campbell Professor of Law
DAVID L. CHAMBERS, A.B., LL.B.,
Wade H. McCree, Jr. Collegiate Professor of Law
ALFRED F. CONARD, A.B., LL.B., LL.M.,
J.S.D., LL.D.,
Henry M. Butzel Professor of Law
LUKE K. COOPERRIDER, B.S., J.D.
SAMUEL D. ESTEP, A.B., J.D.
ROBBEN W. FLEMING, B.A., LL.B., LL.D.
WHITMORE GRAY, A.B., J.D., LL.D.
JEROLD H. ISRAEL, B.B.A., LL.B.,
Alene and Allan F. Smith Professor of Law
JOHN H. JACKSON, B.A., J.D.,
Hessel E. Yntema Professor of Law
CHARLES W. JOINER, A.B., J.D.
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,
Thomas M. Cooley Professor of Law
WILLIAM J. PIERCE, A.B., J.D.
ROY F. PROFFITT, B.S., J.D., LL.M.
JOHN W. REED, A.B., LL.B., LL.M.,
JUR.Sc.D., LL.D.
Thomas M. Cooley Professor of Law
TERRANCE SANDALOW, A.B., J.D.,
Edson R. Sunderland Professor of Law
THEODORE J. ST. ANTOINE, A.B., J.D.,
James E. and Sarah A. Degan Professor of Law
ERIC STEIN, J.U.D., J.D., DR.H.C.,
Hessel E. Yntema Professor of Law
PETER O. STEINER, A.B., M.A., Ph.D.

Professors of Law

LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
REUVEN S. AVI-YONAH, B.A., A.M., Ph.D., J.D.,
Irwin I. Cohn Professor of Law
OMRI BEN-SHAHAR, B.A., LL.B., LL.M., Ph.D.
EVAN H. CAMINKER, B.A., J.D.
SHERMAN J. CLARK,* B.S., J.D.
EDWARD H. COOPER, A.B., LL.B.,
Thomas M. Cooley Professor of Law
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.D.
REBECCA S. EISENBERG,* B.A., J.D.,
Robert and Barbara Luciano Professor of Law
PHOEBE C. ELLSWORTH, A.B., Ph.D.,
Frank Murphy Distinguished Professor of Law and Psychology
RICHARD D. FRIEDMAN, B.A., J.D., D.Phil.,
Ralph W. Aigler Professor of Law
BRUCE W. FRIER, B.A., Ph.D.,
Henry King Ransom Professor of Law
THOMAS A. GREEN, B.A., Ph.D., J.D.,
John Philip Dawson Collegiate Professor of Law
SAMUEL R. GROSS, A.B., J.D.,
Thomas G. and Mabel Long Professor of Law
JAMES C. HATHAWAY, LL.B., LL.M., J.S.D.
James E. and Sarah A. Degan Professor of Law
DONALD J. HERZOG,* A.B., A.M., Ph.D.,
Edson R. Sunderland Professor of Law
RODERICK M. HILLS, JR.,* B.A., J.D.
ROBERT L. HOWSE, B.A., LL.B., LL.M.
Alene and Allan F. Smith Professor of Law
DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
YALE KAMISAR,* A.B., LL.B., LL.D.,
Clarence Darrow Distinguished University Professor of Law
THOMAS E. KAUPER, A.B., J.D.,
Henry M. Butzel Professor of Law
JAMES E. KRIER,* B.S., J.D.,
Earl Warren DeLano Professor of Law
RICHARD O. LEMPERT,* A.B., J.D., Ph.D.,
Eric Stein Distinguished University Professor of Law
KYLE D. LOGUE, B.A., J.D.
CATHARINE A. MACKINNON,* B.A., J.D., Ph.D.,
Elizabeth A. Long Professor of Law
WILLIAM I. MILLER, B.A., Ph.D., J.D.
Thomas G. Long Professor of Law
EDWARD A. PARSON, B.Sc., M.Sc., Ph.D.
SALLYANNE PAYTON, A.B., LL.B.
William W. Cook Professor of Law
ADAM C. PRITCHARD, B.A., M.P.P., J.D.
DONALD H. REGAN, A.B., LL.B., B.Phil., Ph.D.,
William W. Bishop, Jr. Collegiate Professor of Law

MATHIAS W. REIMANN, DR. IUR., LL.M.
Hessel E. Yntema Professor of Law
 CARL E. SCHNEIDER, A.B., J.D.,
*Chauncey Stillman Professorship for Ethics,
 Morality, and the Practice of Law*
 REBECCA J. SCOTT, A.B., M.PHIL., PH.D.
*Charles Gibson Distinguished University
 Professor of History*
 A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.,
Charles F. and Edith J. Clyne Professor of Law
 E. PHILIP SOPER, B.A., M.A., J.D., PH.D.,
James V. Campbell Professor of Law
 JOSEPH VINING,* B.A., M.A., J.D.,
Harry Burns Hutchins Collegiate Professor of Law

LAWRENCE W. WAGGONER,* B.B.A., J.D.,
 D.PHIL.,
Lewis M. Simes Professor of Law
 MARK D. WEST, B.A., J.D.
Nippon Life Professor of Law
 PETER K. WESTEN,* B.A., J.D.,
Frank G. Millard Professor of Law
 JAMES BOYD WHITE, A.B., A.M., LL.B.,
L. Hart Wright Collegiate Professor of Law
 JAMES J. WHITE, B.A., J.D.,
Robert A. Sullivan Professor of Law
 CHRISTINA B. WHITMAN, A.B., M.A., J.D.,
Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

MICHAEL S. BARR, B.A., M.PHIL., J.D.
 LAURA N. BENY, B.A., M.A., J.D., PH.D.
 SUSANNA L. BLUMENTHAL,* A.B., M.A., J.D.,
 M.PHIL.
 DANIEL HALBERSTAM, B.A., J.D.
 DAVID M. HASEN, B.A., PH.D., J.D.
 JILL R. HORWITZ, B.A., M.P.P., J.D., PH.D.
 ELLEN D. KATZ, B.A., J.D.
 NINA A. MENDELSON, B.A., J.D.
 JOHN A.E. POTTOW, A.B., J.D.
 RICHARD A. PRIMUS, A.B., D. PHIL., J.D.
 MOLLY S. VAN HOUWELING, B.A., J.D.

Clinical Professors of Law

DONALD N. DUQUETTE, B.A., J.D.
 ROCHELLE E. LENTO, B.A., J.D.
 BRIDGET M. MCCORMACK, B.A., J.D.
 PAUL D. REINGOLD, B.A., J.D.
 NICHOLAS J. RINE, B.A., J.D.
 GRACE C. TONNER, B.A., J.D.

Clinical Assistant Professors of Law

EDWARD R. BECKER, B.A., J.D.
 LAURENCE D. CONNOR, A.B., J.D.
 SACHA M. COUPET, A.B., PH.D., J.D.
 RACHEL CROSKERY-ROBERTS, B.A., J.D.
 DIANE EISENBERG, B.A., M.A., J.D.
 PHILIP M. FROST, B.A., J.D.
 PAUL HOLLAND, B.A., J.D., LL.M.
 THOMAS G. ROZINSKI, B.A., A.M., J.D.
 DAVID A. SANTACROCE, B.A., J.D., LL.M.
 ANNE N. SCHROTH,* B.A., J.D.
 THOMAS H. SEYMOUR, B.A., M.A., J.D.
 BETH H. WILENSKY, B.A., J.D.

Visiting Professors of Law

BRUCE E. ARONSON, A.B., J.D.
 YOSEPH EDREY, LL.B., LL.M., PH.D.
 KIM FORDE-MAZRUI, A.B., J.D.
 KARTHY GOVENDER, LL.B., LL.M.
 JILL E. HASDAY, B.A., J.D.
 SHERMAN JACKSON, B.A., M.A., PH.D.
 ORIT KAMIR, LL.B., M.A., LL.M., J.S.D.
 SCOTT E. MASTEN, M.A., PH.D.
 LYNDY J. OSWALD, M.B.A., J.D.
 ANDREAS L. PAULUS, DOCTORATE OF LAW
 DARIA ROITHMAYR, B.S., J.D.
 ROBERT SITKOFF, B.A., J.D.
 JOEL B. SLEMRD, A.B., PH.D.

Visiting Clinical Assistant Professor

KIMBERLY A. THOMAS, B.S., J.D.

Adjunct Professors

BARRY ADELMAN, B.A., J.D.
 JONATHAN R. ALGER, B.A., J.D.
 JOHN E. BOS, B.A., J.D.
 EMILIO CARDENAS, BACHILLER, ABOGADO
 TIMOTHY L. DICKINSON, A.B., J.D., LL.M.
 SAUL A. GREEN, B.A., J.D.
 RUTH HARLOW, A.B., J.D.
 ALISON E. HIRSCHER, B.A., J.D.
 SALLY KATZEN, B.A., J.D.
 MARVIN KRISLOV, M.A., J.D.
 JOAN LARSEN, B.A., J.D.
 KARL E. LUTZ, B.A., J.D.
 ROBERTA J. MORRIS, A.B., J.D.
 CYRIL MOSCOW, B.S., J.D.
 LEONARD NIEHOFF, A.B., J.D.
 BARAK ORBACH, B.A., LL.B., LL.M., S.J.D.
 MARK ROSENBAUM, B.A., J.D.
 JOEL SAMUELS, B.A., J.D.
 EDWARD R. STEIN, B.A., J.D.
 BARRY WINOGRAD, B.A., J.D., LL.M.

Adjunct Clinical Assistant Professors of Law

KATHLEEN HEGARTY, B.A., J.D.

NEIL S. KAGAN, B.S., M.S., J.D.

VALERIE R. NEWMAN, B.A., J.D.

REBECCA SHIEMKE, B.A., J.D.

STEPHANIE SMITH, B.A., J.D.

STEVIE SWANSON, B.A., J.D.

PETER VAN HOEK, B.A., J.D.

ZENA ZUMETA, B.A., J.D.

Adjunct Instructor

MARGARET A. LEARY, B.A., M.A., J.D.

* on leave Winter 2004

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 37 • ISSUE 2

WINTER 2004

CONTENTS

ARTICLES

- "Go and Sin No More": The Constitutionality of
Governmentally Funded Faith-Based Prison Units
Lynn S. Branham291

- Vanishing Vaccinations: Why Are So Many Americans
Opting Out of Vaccinating Their Children?
Steve P. Calandrillo353

- The Foggy Road for Evaluating Punitive Damages:
Lifting the Haze from the *BMW/State Farm* Guideposts
Steven L. Chanenson
John Y. Gotanda441

- Judges As Film Critics: New Approaches To
Filmic Evidence
Jessica M. Silbey493

NOTES

- Federalism and Foreign Affairs: How to Remedy
Violations of the Vienna Convention and
Obey the U.S. Constitution, Too
Joshua A. Brook573

- Democratizing the American Dream: The Role of a
Regional Housing Legislature in the Production
of Affordable Housing
Thomas A. Brown599